

**BEFORE THE
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

In the Matter of:

EDWARDS EXPRESS, INC.

Respondent.

**Docket No. FMCSA-2007-29109¹
(Eastern Service Center)**

ORDER DISMISSING PROCEEDING AND CLOSING DOCKET

On July 17, 2007, the New York Division Administrator for the Federal Motor Carrier Safety Administration (FMCSA) issued a Notice of Claim (NOC) charging Respondent, Edwards Express, Inc., with two violations of 49 CFR. 382.215, using a driver known to have tested positive for a controlled substance, and 18 violations of 49 CFR 395.8(e), false reports of records of duty status. The total civil penalty proposed was \$32,680.

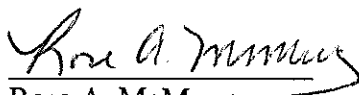
Claimant, the Field Administrator for FMCSA's Eastern Service Center, issued a Notice of Default and Final Agency Order (NDFAO) on August 22, 2007, but rescinded it on August 29, 2007.

On September 14, 2007, Respondent admitted the violations and requested binding arbitration concerning the civil penalty amount. By Order dated December 21, 2007, the matter was assigned to binding arbitration. Nevertheless, an arbitrator was never chosen.

¹ The prior case number of this matter was NY-2007-0108-US1240

On August 21, 2008, Claimant submitted a Motion to Dismiss the Proceeding because the civil penalty had been discharged by the United States Bankruptcy Court for the Western District of New York on August 14, 2008, and is no longer an issue. Claimant's Motion is granted. The proceeding is dismissed and the docket is closed.

It Is So Ordered.



Rose A. McMurray
Assistant Administrator
Federal Motor Carrier Safety Administration

3-31-09

Date

CERTIFICATE OF SERVICE

This is to certify that on this 1 day of April, 2009, the undersigned mailed or delivered, as specified, the designated number of copies of the foregoing document to the persons listed below.

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